

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/818,717	03/14/97	WILSON	D

FM21/0415

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EXAMINER

BATSON, V

ART UNIT	PAPER NUMBER
3616	4

DATE MAILED: 04/15/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No. <b>08/818,717</b>	Applicant(s) <b>DAVID E. WILSON</b>
Examiner <b>VICTOR BATSON</b>	Group Art Unit <b>3616</b>

Responsive to communication(s) filed on \_\_\_\_\_.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**

Claim(s) 1-41 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1, 2, 8, 12, 14, 15, 21, 25, 27-30, and 39-41 is/are rejected.

Claim(s) 3-7, 9-11, 13, 16-20, 22-24, 26, and 31-38 is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on Mar 14, 1997 is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

**DETAILED ACTION**

***Inventor***

Clarification as to the inventor is requested. It appears from the "Weighing seed 'on-the-go'" article (page 8 col 2) that "Harold 'Butch' Wilson" is a joint inventor. If Harold Wilson is an actual inventor, then a Correction of Inventorship is required (see MPEP § 201.03).

***Drawings***

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

***Specification***

2. The disclosure is objected to because of the following informalities: On page 16 line 25, should "frame" (second occurrence) be changed to "support"? On page 19 lines 24 & 30, & page 20 line 3 it appears that bearing support(s) "66" should be changed to bearing support(s) "68". On page 21 line 20, it appears that "vertical piece 106" should be changed to "vertical piece 100 (see page 21 line 19). On page 23, it appears that "horizontal rod 86" should be changed to "horizontal rod 116" (see page 23 line 14 & figure 4). On page 25 line 11, it appears that "142" should be changed to "144" as shown in figure 11. On

page 39 (Abstract) line 4, "an improved" should be replaced with "a". Appropriate correction is required.

✓ Title

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The title lacks direction to the weight sensing device for sensing the weight of the seed grain in the hopper as claimed. Additionally, "Improved" should be deleted from the title. The following title is suggested: "Grain Drill With Weight Sensing Device For Sensing The Weight Of Seed Grain In A Hopper".

**Claim Rejections - 35 USC § 112**

4. Claims 8,12,21,25,28,41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. ✓ In claim 8 line 4, "the spaced apart positions" lacks proper antecedent basis and should probably be changed to "the spaced apart locations" (see claim 1 line 8). ✓ In claim 28 line 5 & claim 41 line 5, "the grain drill part" lacks proper antecedent basis.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1,2,14,15,27,29,30,39,40 are rejected under 35 U.S.C. 102(a) as being anticipated by Von Muenster "Drill 'Weigh Scale' For Planting Beans".

Von Muenster discloses a grain drill comprising a frame and hopper (inherently provided on a Deere 750 drill), with a support joined to opposed sides of the frame and to spaced apart locations of the hopper (each corner of the tank), with weight sensing devices which sense a weight of seed grain in the hopper transferred through the support to the frame and provides a display coupled to the output for displaying the sensed weight of the seed grain in the hopper.

Concerning claim 2, Von Muenster discloses making the mounting brackets from square steel tubing and channel iron that are mounted to each corner of the tank and to the drill frame. Therefore, the use of support brackets formed from square steel tubing alone, would inherently provide first and second vertical parts (two of the sides extending a given amount vertically) and

a horizontal part joined to the vertical parts (the other two sides extending a given amount horizontally), no matter how the square tubing was positioned.

Concerning claims 14,15,39 Von Muenster discloses the spaced apart locations being located under the four corners of the hopper.

Concerning claims 27 & 40 the weight bearing support of Von Muenster does not appear to extend in a direction along a width of the grain drill beyond a width of a portion of the frame as shown in the grain drill figure on page 3.

Concerning claims 29,30,39,40 the claimed method steps would be inherent in modifying a grain drill as disclosed by Von Muenster.

**Allowable Subject Matter**

7. Claims 3-7,9-11,13,16-20,22-24,26,27,31-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 8,12,21,25,28,41 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of record discloses various weighing devices.

**Inquiries**

10. Any inquiry concerning this communication should be directed to Examiner Victor Batson whose telephone number is (703) 305-6356. The examiner can be normally reached Monday through Friday (except Wednesday) from 7:00 am to 5:00 pm, Eastern Standard Time.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Carone, can be reached on (703) 306-4198. The fax phone number for this Group is (703) 305-7687.

VB  
April 10, 1998

*Victor Batson*  
VICTOR BATSON  
PATENT EXAMINER  
GROUP 3500  
AP 3616